



Related MLN Matters Article: N/A

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Competitive Acquisition Program (CAP) for Part B Drugs and Biologicals

PHYSICIAN ELECTION

Keywords

Enrollment, Election, CAP, Drugs, Biologicals, Physician Election Agreement, CAP Vendor, LCDs

Provider Types Affected

Providers billing Medicare carriers for Medicare Part B drugs and biologicals

Key Points

- The first physician election period is May 8 to June 2, 2006.
- The 2006 CAP period is July 1 -- December 31, 2006.
- For 2007 and subsequent years, the CAP program will run from January 1 to December 31 with a 45-day physician election period occurring in the fall.
- The CAP is open to any provider, including Physician Assistants and Nurse Practitioners, who is enrolled as a Medicare Part B provider with authority to prescribe or order Medicare Part B drugs.
- Participation in the CAP is voluntary.
- Providers will continue to bill the local carrier for the administration of the drug.
- All Local Coverage Determinations (LCDs) will continue to apply to drug administration and CAP drug claims.
- Completed CAP Physician Election Agreements should be sent to the physician's local carrier.
- The CAP Physician Election Agreement and instructions can be found at:
http://www.cms.hhs.gov/CompetitiveAcquisforBios/02_infophys.asp
- If a physician chooses to participate in the CAP, he/she must agree to the following conditions:

- File CAP drug administration claims within 14 days of administering the drug.
- Share information with the approved CAP vendor to facilitate the collection of applicable deductible and co-insurance.
- Pursue timely and appropriate appeals for CAP claims that are denied because of medical necessity issues.
- Provide support to approved CAP vendors for administrative appeals of drug administration claim denials, including supplying medical records and written statements.
- Accept assignment for CAP drug administration claims.
- Notify the approved CAP vendor when a CAP drug is not administered.
- Agree to comply with emergency drug replacement rules.
- Agree to requirements of the 'furnish as written' provision.
- Maintain a tracking system for each CAP drug obtained.
- Physicians must download the form and complete pages 1, 5 and 6 of the agreement. If additional practice sites exist (if the practice operates from and expects to administer CAP drugs at more than one address), use additional copies of page 6 to list the additional practice addresses and the physicians who practice at the other location(s).
- An authorized official or physician must sign page 5 and mail a completed election form with an original signature to the physician's local carrier.
- An authorized official is an appointed official to whom the provider has granted the legal authority to enroll it in the Medicare program, to make changes and/or updates to the provider's status in the Medicare program and to commit the provider to fully abide by the laws, regulations and program instructions of Medicare.
- For 2006, physician election agreements must be postmarked by June 2, 2006.
- Local carriers will only process the election agreement if it is filled out completely and correctly.
- Practices that submit claims to multiple local carriers will need to submit a separate election agreement to each carrier.
- New physicians will have 90 days to elect to participate in the CAP.
- Local carriers will forward the physician election information to the Designated Carrier who will inform the approved CAP vendor of the physicians that have elected them.
- When members in a group practice bill Medicare using the group's Physician Identification Number (PIN), or National Provider Identifier (NPI), when available, they must commit as a group practice to participate in the CAP. In order for a physician to "buy and bill" separately from the group he or she must not have reassigned his or her benefits to the group, and must be billing using his or her

individual PIN, or NPI when available. If a physician in that situation elects to participate in the CAP as an individual, he or she would complete the CAP physician election form with his or her individual PIN, or NPI when available, and other requested information.

- Physicians who choose to participate in the program must annually elect to participate in the CAP program.
- Once a physician has elected to participate in CAP, he/she must obtain all drugs on the CAP drug list from their chosen vendor with exceptions for, furnish as written, and in emergency situations.
- For 2006, the category contains approximately 180 drugs, commonly administered in a physician's office. A list of the CAP drugs will be made available on the CMS website at:
www.cms.hhs.gov/CompetitiveAcquisforBios
- For the initial CAP period, there is one approved CAP vendor. Information on the approved CAP vendor and the specific National Drug Codes that they will provide will be available at
www.cms.hhs.gov/CompetitiveAcquisforBios/01_overview.asp

Disenrolling from CAP or Changing CAP Vendors

- Physicians elect a CAP vendor for the calendar year and cannot change CAP vendors or withdraw from the CAP except under any of the following conditions:
 1. The selected approved CAP vendor ceases to participate in the CAP. The physician can choose a different CAP vendor (if available) or can withdraw from the CAP.
 2. The participating CAP physician leaves the group practice that had selected the approved CAP vendor.
 3. The participating CAP physician relocates to another competitive area (once multiple competitive areas are established).
 4. A physician is no longer able to obtain drugs for a beneficiary from the approved CAP vendor because of the beneficiary's failure to pay applicable cost sharing.
 5. Other exigent circumstances as determined by CMS.

For More Detailed Information

If you receive inquiries that you cannot respond to based upon the information in this job aid, then you can refer providers to the designated CAP contractor, Noridian Administrative Services (NAS), at 888-671-0536 (CSR line) or 877-807-3686 (IVR line).

CSRs should visit the CMS CAP web page for detailed instructions on the physician election form when assisting providers interested in CAP.

Important Links

www.cms.hhs.gov/CompetitiveAcquisforBios

www.cms.hhs.gov/CompetitiveAcquisforBios/04_cap_regs.asp

www.noridianmedicare.com/cap_drug

CMS' CAP web page

CMS Regulations and Notices

Noridian's CAP web page